

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Mon 6/22/2015 12:25:00 PM
Subject: RE: Status of Administrative Complaint No. 11R-14-R4
11R-14-R4 Response to public inquiry.docx

Good Morning Helena,

Here is a draft response. It can also be cut and paste to an email if you should choose to respond via email.

Ericka

From: Wooden-Aguilar, Helena
Sent: Tuesday, June 16, 2015 7:18 PM
To: Farrell, Ericka
Cc: Covington, Jeryl
Subject: Fwd: Status of Administrative Complaint No. 11R-14-R4

Can you please draft a response and have it to me by Friday of this week?

Thanks

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Armstrong, Sherrie" <SArmstrong@crowell.com>
Date: June 12, 2015 at 10:52:34 AM EDT
To: "wooden-aguilar.helena@epa.gov" <wooden-aguilar.helena@epa.gov>
Subject: Status of Administrative Complaint No. 11R-14-R4

Ms. Wooden-Aguilar,

I am writing to inquire about the status of the September 3, 2014 Administrative Complaint filed by Earthjustice against the North Carolina Department of Environment and Natural Resources (No. 11R-14-R4). I know EPA accepted that complaint on February 20, 2015, but can't find any status update or related documents on the web apart from the Notification of Acceptance. Any information you can give me on its status or where I can find related documents would be much appreciated!

Many thanks,

Sherrie Armstrong

Sherrie A. Armstrong

sarmstrong@crowell.com

Direct: 1.202.624.2522 | Fax: 1.202.628.5116

Crowell & Moring LLP | www.crowell.com

1001 Pennsylvania Avenue NW
Washington, DC 20004

Privileged and Confidential
Attorney-Client Communication
Attorney Work Product

This message contains privileged and confidential information. IF IT WAS SENT TO YOU BY MISTAKE, DO NOT READ IT. Instead, please notify the sender (or postmaster@crowell.com) by reply e-mail, and delete this e-mail. Unauthorized dissemination, forwarding or copying of this e-mail is strictly prohibited.

=====

To: O'Lone, Mary[olone.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: Farrell, Ericka
Sent: Mon 9/26/2016 6:01:10 PM
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

North Carolina Department of Agriculture and Consumer Services are recipient of EPA grant funds.

Ericka Farrell

202-564-0717

From: O'Lone, Mary
Sent: Monday, September 26, 2016 10:24 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

Can you or Ericka check out whether we give the NC Ag Dept \$?

They may be more inclined to talk to us &/or give us stuff quicker if they are.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, September 26, 2016 10:21 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

Ex. 5 - Deliberative Process

From: O'Lone, Mary
Sent: Monday, September 26, 2016 10:13 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

Ex. 5 - Deliberative Process

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Monday, September 26, 2016 9:41 AM

To: Isales, Daniel <Isales.Daniel@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

I have provided a few quick comments to the IP.

Ex. 5 - Deliberative Process

To: O'Lone, Mary[olone.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: Farrell, Ericka
Sent: Mon 9/26/2016 3:04:22 PM
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

Good Morning Everyone,

I can check.

Mary I noticed in your letter in response to NCDEQ that you state that NCDEQ did not provide an avenue for the complainants to raise specific concerns about discrimination to NCDEQ through a grievance process.

NCDEQ currently have a Title VI contact on their website where people can file a complaint. Now how long they have had this in place is some questions we may want to ask.

Dan I remember you gave us a website to look at old websites. I can't find that website link can you resend to me? Thanks.

Mary

Ericka Farrell

202-564-0717

From: O'Lone, Mary
Sent: Monday, September 26, 2016 10:24 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

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US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Monday, September 26, 2016 10:21 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

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From: O'Lone, Mary

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To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

Ex. 5 - Deliberative Process

Mary O'Lone

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Monday, September 26, 2016 9:41 AM

To: Isales, Daniel <Isales.Daniel@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: 11R-14-R4 Revised INVESTIGATION PLAN 09232016 mmo.docx

I have provided a few quick comments to the IP.

Ex. 5 - Deliberative Process

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Wed 2/18/2015 5:56:41 PM
Subject: Additional questions for RFI 11R-14-R4
[Request for information.docx](#)

Hi Jeryl,

I'm sure you have seen and reviewed Mary's RFI. I was not going to recreate the wheel but I added questions that I believe we should ask besides regulatory information. I have attached what I have thus far I didn't know if you have anything to include or add that we can send out before the call today.

Ericka Farrell

Office of Civil Rights

External Complaints & Resolution

2025640717

To: O'Lone, Mary[olone.mary@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Thur 2/12/2015 9:12:55 PM
Subject: RE: Assignment - REACH

Okay thanks.

From: O'Lone, Mary
Sent: Thursday, February 12, 2015 4:11 PM
To: Farrell, Ericka; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: RE: Assignment - REACH

I sent you a link a while ago, you click on that & then you should see it. Then while you have it open, you should save it to your favorites bar (the little star up on the left side). That way you will always see the tab for it when you are in internet explorer.

To upload documents, you go into the folder & hit upload, then follow the prompts. You can also try to drag & drop, but that will often lock up.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka
Sent: Thursday, February 12, 2015 4:08 PM

To: O'Lone, Mary; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: RE: Assignment - REACH

Okay Mary I am a little technically challenged with Sharepoint but I do not see the REACH folder in the Sharepoint site.

I don't know if I have permissions to view your stuff. I only see Title VI items that was created in our office group. I was going to create a new folder in Sharepoint for REACH but I cannot access the one you currently have.

Ericka

From: O'Lone, Mary
Sent: Thursday, February 12, 2015 10:51 AM
To: Wooden-Aguilar, Helena; Farrell, Ericka; Covington, Jeryl
Subject: RE: Assignment - REACH

Ericka-

Are you having a problem uploading to the REACH SharePoint site?

I don't see anything beyond what I uploaded to it last week.

Please let me know if your permissions aren't allowing you to do it, you can't find the material on the OCR shared drive or if someone else needs to be granted permission to upload.

Jeryl-

I know you sent a flurry of emails on funding, but I am not sure what the final word was on whether any other federal agency is giving financial assistance to NC DENR.

Would you please send us a new email (detached from any other chain) that gives us all the basic information about current or most recent financial assistance.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Monday, February 09, 2015 3:21 PM
To: Farrell, Ericka; Covington, Jeryl
Cc: O'Lone, Mary
Subject: Assignment - REACH
Importance: High

Ericka-

I need you to please work with the law clerks and upload relevant materials to the REACH SharePoint site that Mary. Regarding relevant materials, I believe all the items that Mary copied into a REACH folder on the OCR shared drive should be it. Please have this done by **February 11, 2015**. I have copied Mary in case I have misunderstood.

Also, I need you and Jeryl to check and see if NC DENR gets financial assistance from USDA (or anyone else). Please have this information to me, with a cc to Mary, by **February 10, 2015, COB**.

Appreciate your help.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: O'Lone, Mary[olone.mary@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Thur 2/12/2015 9:07:36 PM
Subject: RE: Assignment - REACH

Okay Mary I am a little technically challenged with Sharepoint but I do not see the REACH folder in the Sharepoint site.

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Ericka

From: O'Lone, Mary
Sent: Thursday, February 12, 2015 10:51 AM
To: Wooden-Aguilar, Helena; Farrell, Ericka; Covington, Jeryl
Subject: RE: Assignment - REACH

Ericka-

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Would you please send us a new email (detached from any other chain) that gives us all the basic information about current or most recent financial assistance.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Monday, February 09, 2015 3:21 PM
To: Farrell, Ericka; Covington, Jeryl
Cc: O'Lone, Mary
Subject: Assignment - REACH
Importance: High

Ericka-

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Appreciate your help.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

From: Farrell, Ericka
Location: DCRoomARN2528/DC-ARN-OCR-Rooms
Importance: Normal
Subject: REACH - Dr. Wing Study and CAFO emissions Study
Start Date/Time: Thur 4/7/2016 2:00:00 PM
End Date/Time: Thur 4/7/2016 3:00:00 PM

Ex. 6 - Personal Privacy

To: Stein, Jonathan[Stein.Jonathan@epa.gov]; Martinez, Brittany[martinez.brittany@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Mon 2/22/2016 4:39:16 PM
Subject: Draft RFI for REACH
REACH RFI 2 25 2015a.docx

Good Morning Everyone,

Here is a draft RFI for REACH and this was with DOJ input and assistance.

Ericka Farrell

Office of Civil Rights

External Compliance

202-564-0717

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Mon 12/21/2015 1:39:38 PM
Subject: RE: Administrative Complaint 11R-14-R4

Is Lillian going to contact Will about this letter or will this be left to the case managers? When the managers get involved I get kind of stuck on what I can do to move the case forward and what you can't do. I especially didn't even know about this letter.

Ericka

From: Covington, Jeryl
Sent: Monday, December 21, 2015 8:31 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: Administrative Complaint 11R-14-R4

Velveta has referred this contact to Lilian.

From: Farrell, Ericka
Sent: Monday, December 21, 2015 8:29 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: RE: Administrative Complaint 11R-14-R4

Thanks. That is interesting and perhaps could be good news that they want to participate. Has Will been notified about this?

Ericka

From: Covington, Jeryl
Sent: Friday, December 18, 2015 3:37 PM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: FW: Administrative Complaint 11R-14-R4

The attached has been shared with Lilian and Helena.

From: Brugato, Thomas [<mailto:tbrugato@cov.com>]
Sent: Friday, December 18, 2015 2:46 PM
To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; mlewis@jamsadr.com;
jdambrosio@earthjustice.org; mengelmanlado@earthjustice.org; Sam.Hayes@ncdenr.gov;
BHutson@mcguirewoods.com; Gerald Yamada <gyamada@goingforwardstrategies.com>
Subject: Administrative Complaint 11R-14-R4

Director Golightly-Howell,

Please see the attached document submitted on behalf of the National Pork Producers Council and the North Carolina Pork Council regarding the above-referenced administrative complaint.

Best,

Thomas

Thomas R. Brugato
COVINGTON & BURLING LLP
One CityCenter

850 Tenth Street, NW

Washington, DC 20001
tel: 202.662.5515
tbrugato@cov.com

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

O'Lone, Mary

From: Golightly-Howell, Velveta
Sent: Friday, February 20, 2015 6:04 PM
To: Shaw, Betsy
Cc: KeyesFleming, Gwendolyn; Reeder, John; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Dorka, Lilian; Wooden-Aguilar, Helena; Matthew, Dayna; Colaizzi, Jennifer C.
Subject: REACH - An Assistance Request
Attachments: Lado, Marianne Ltr - Re _ Reach - EPA File No _ 11R-14-R4..pdf; Vaart Donald Ltr - Re _ Reach - EPA File No _ 11R-14-R4.pdf

Importance: High

Hi Betsy. I wanted to let you know that today OCR issued the attached letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- ☐ North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

To assist OCR in its investigation, which is on a tight timeframe, I ask that you please provide us with a Title VI point of contact to assist in developing and implementing the Preliminary Case Management Plan for this investigation. Ideally, the Title VI contact should have the ability to quickly marshal the appropriate technical expertise within your office to assist in investigatory tasks (e.g., review studies, assist in analysis).

Earthjustice has submitted, or referenced, several health studies in the Title VI complaint related to air emissions from swine CAFOs, so in the very near term, OCR would like to speak to someone on your staff who can assist us in reviewing these studies. We understand that OAQPS has been working on developing an Emissions Estimation Methodology for swine CAFO lagoons. In the very near term, OCR would be interested in speaking with OAQPS staff familiar with that project.

Also, OCR would like to be able to tap into existing EPA expertise in CAFO issues. We are looking for program staff who have the background and experience to assist us as we navigate what we anticipate will be controversial and potentially high-profile issues. If you would please provide us with a CAFO contact that we can consult with on an as-needed basis on sensitive issues, it would be most appreciated.

We have set up a SharePoint site containing copies of the complaint and other relevant materials. We are prepared to organize briefings or provide background and assistance to any program staff who will be involved in the project. Please email Helena and Mary O'Lone of OGC the names of your Title VI contact, your CAFO contact, and those who will be able to assist in the review of the studies or are knowledgeable about the emissions estimating methodology. Mary will grant them access to the SharePoint site and Helena will schedule any requested briefings or meetings.

Also, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries. Thank you.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685